

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RANIS T. HILL,

Petitioner,

v.

CASE NO. 07-13978
HONORABLE VICTORIA A. ROBERTS

JERI ANN SHERRY,

Respondent.

**ORDER DENYING PETITIONER'S MOTION
FOR A CERTIFICATE OF APPEALABILITY,
BUT GRANTING PETITIONER'S MOTION FOR
LEAVE TO PROCEED *IN FORMA PAUPERIS* ON APPEAL**

Petitioner Ranis T. Hill has appealed the Court's Opinion and Order denying his Habeas Corpus Petition, which was filed pursuant to 28 U.S.C. § 2254. Currently pending before the Court are Petitioner's Motion for a Certificate of Appealability and Motion to Proceed *In Forma Pauperis* on Appeal.

A certificate of appealability may issue "only if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). "Where a district court has rejected the constitutional claims on the merits, the showing required to satisfy § 2253(c) is straightforward: The petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Petitioner alleged in his Habeas Corpus Petition that the trial court lacked subject matter jurisdiction in his criminal case and incorrectly scored the state sentencing guidelines. The

Court determined that Petitioner's state-law claims were not grounds for habeas relief and that Petitioner's reliance on *Blakely v. Washington*, 542 U.S. 296 (2004), was misplaced because *Blakely* applies to determinate sentencing systems, and Michigan has an indeterminate sentencing scheme.

Reasonable jurists would not find the Court's assessment of Petitioner's claims debatable or wrong. Accordingly, the Court **DENIES** Petitioner's Motion for a Certificate of Appealability [Doc. 14, June 18, 2008].

Petitioner may proceed *in forma pauperis* on appeal because he was granted leave to proceed *in forma pauperis* in the District Court. Fed. R. App. P. 24(a)(3). Therefore, his Motion to Proceed *In Forma Pauperis* on Appeal [Doc. 15, June 18, 2008] is **GRANTED**.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: July 7, 2008

The undersigned certifies that a copy of this document was served on the attorneys of record and Ranis T. Hill by electronic means or U.S. Mail on July 7, 2008.

s/Carol A. Pinegar
Deputy Clerk